



CITY PLANNING COMMISSION

July 14, 2004/Calendar No. 26

N 040396 ZRM

IN THE MATTER OF an application submitted by the Battery Park City Authority pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Article VIII, Chapter 4 (Special Battery Park District) relating to Section 84-30 (Zone C) regarding commercial development, Community District 1, Borough of Manhattan.

The application for an amendment of the Zoning Resolution was filed by the Battery Park City Authority, on April 8, 2004. The proposed zoning text amendment would establish zoning on a portion of Battery Park City that previously had not been zoned. The text amendment would place zoning on Site 26 that corresponds with an underlying C6-6 designation and would also establish additional street wall, maximum height, and setback regulations.

BACKGROUND

The Special Battery Park City District

The Special Battery Park City District was established in 1976 to regulate development on the then newly created landfill for a 92 acre site along the Hudson River in Lower Manhattan. These regulations were substantially modified in 1981 when new regulations for the Special Battery Park City District were adopted. These regulations sought to stimulate and expedite development within Battery Park City. The special district also strove to integrate Battery Park City with the rest of Lower Manhattan, to create an active and varied waterfront, and to institute land use controls that were sufficiently flexible to adjust to future market requirements.

At present, a portion of Battery Park City, known as Site 26, is located within the Special Battery Park City District yet does not have a specific zoning designation. The site is in northern Battery Park City and is bounded by Vesey Street, Murray Street, West Street, and a pedestrian right-of-way which separates the site from commercial development on Site 25. Site 26 sits just north of the World Financial Center, a collection of office towers in Battery Park City, and directly west of other high-rise office buildings located in the downtown. Site 26 is also located adjacent the

World Trade Center and a development site intended for the proposed Freedom Tower. The World Financial Center has zoning that is consistent with a C6-6 zoning district and a C6-4 zoning district is mapped to the east of West Street.

The Battery Park City Authority has sought zoning and refinements to the special district regulations as development has been phased in throughout the district. In 1996, zoning was established on Site 25 to allow for commercial development. Since that time, Site 25 has been improved with a hotel, theater, and retail development. This text amendment now seeks to extend the zone established in 1996 to Site 26.

Proposed Text Amendment

The proposed text amendment would amend Section 84-30 (Zone C) of the Special Battery Park City District to extend Zone C across Site 26 and to establish certain controls that are in accordance with the development objectives of the Battery Park City Authority and the City of New York.

Specifically, Section 84-31 (General provisions) would be amended to extend the C zone to the east across Site 26. Zone C would correspond with an underlying C6-6 zoning designation except where modified by subsequent sections of special district regulations. In addition to the extension of Zone C, two sub-zones (C-1 and C-2) would be established within Zone C. Zone C-1 would correspond to Site 25 and Zone C-2 to Site 26.

Section 84-332 (Mandatory front building walls) would be amended to establish mandatory front building walls on Murray and Vesey Streets in sub-zone C-2 of not less than 60 feet and not more than 140. An exception would be made for Murray Street where the front building wall may rise to the maximum building height of 800 feet. Related to this, the text would be amended so as not to require a setback on Murray Street in sub-zone C-2.

The text of Section 84-333 (Limited height of buildings) would be amended to allow for select,

permitted obstructions such as bulkheads, parapet walls, aerials, etc. and to establish a maximum height of 800 feet above which no obstructions are to be permitted.

Section 84-341 (Off-street parking) would be amended permit 300 public parking spaces in sub-zone C-1 and C-2 combined and Section 84-342 (Off-street loading) would be established to allow for the reduction of required loading berths by 50% on Site 26. In addition, the text of Section 84-343 (Curb cuts) would be modified to limit curb cuts in sub-zone C-2 to an aggregate width of 60 feet.

Finally, Appendices 1, 2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 3, 3.1, 3.2, and 3.3 would be amended so that the maps and plans in these appendices would reflect the above text changes.

This text amendment and the zoning of Site 26 are intended to permit the development of a commercial office building at this site in Battery Park City. The text amendment would allow for development that is consistent with the previously established zoning in this portion of Battery Park City and that reflects nearby commercial districts in Lower Manhattan. The text amendment is intended to preserve the design and programmatic needs of the Battery Park City Authority and the intended developer of Site 26.

ENVIRONMENTAL REVIEW

This application (N 040396 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Battery Park City Authority (BPCA).

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on April 21, 2004. On June 9, 2004, a public hearing was held on the DEIS pursuant to SEQRA and other

relevant statutes. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on June 30, 2004. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS

LAND USE, ZONING, AND PUBLIC POLICY

Site 26 is the largest remaining development parcel in BPC. The proposed development would change the land use at the project site from an underutilized surface parking lot and construction staging area to a large commercial office development that could contain trading floor space. Both the Office with Trading Floor and the All Office Scenarios would be compatible and consistent with historical development in the area, and with existing uses. Development of either scenario would help to create a critical mass of office use that would serve to restore a more active business community in Lower Manhattan.

The proposed zoning of the project site would allow the site to be developed with a high density commercial use of 15.0 FAR (as part of a combined zoning lot with Site 25) and would designate the project site as part of the Special BPC District's Zone C, designed to provide commercial and mixed-use development.

SOCIOECONOMIC CONDITIONS

The development of either scenario would bring new economic benefits to New York City and State, as well as retaining revenue and employment that might have moved outside the City without the proposed development. While both scenarios would require displacing a surface parking lot, which currently employs approximately 10 people, neither scenario would result in direct or indirect residential displacement, indirect commercial displacement, or adverse effects to any specific industry. Overall, development of the project site would result in substantial economic benefits for New York City and State.

OPEN SPACE

The Office with Trading Floor Scenario, which is the worst-case scenario in terms of open space, as it would introduce a larger worker population (11,310 employees) than the All Office Scenario (8,610 employees), would not result in significant adverse impacts on open space.

The additional demand of the new workers would decrease the passive open space ratio from 0.45 to 0.39 per 1000 workers and from 0.35 to 0.31 per 1000 residents and workers. Although open space ratios would decrease, they would remain above DCP guidelines. The project site is located in BPC where the existing open spaces were planned to accommodate full build-out of BPC, including the project site. Overall, the study area would retain sufficient open space to meet DCP guidelines and there would be no significant adverse impact on open spaces.

SHADOWS

The proposed building would cast shadows on surrounding open spaces. However, many of the shadow increments are either small in size or of short duration, depending on the season.

The BPC ball fields would receive incremental shadow from the proposed building from mid-morning to mid-afternoon throughout the year. The ball fields, as well as the bikeway/walkway have always been considered within the context of the proposed development of the surrounding North Neighborhood sites, which has always included a large building on Site 26. Moreover, the ball fields are closed for approximately one-third of the year. Because the ball fields were designed with the understanding that shadows would be cast on this space, landscaping and plant materials were selected for the expected amount of sunlight, and adverse impacts to vegetation are not anticipated. Players on the ball fields are engaged in active recreation and are not considered sensitive to shadows. Therefore, any adverse effects of increased shadows on the ball fields would be largely limited to the passive users of the open space as these users are more sensitive to shadows, especially in cooler weather. On warmer days, the shadow might well be welcomed by the passive users and not considered adverse.

The bikeway/walkway adjacent to the project site would also receive incremental shadows the entire year, in the afternoon. By the nature of the resource, users of the bikeway/walkway tend to pass through any given area and spend only a short time in the segment of the bikeway/walkway adjacent to the project site. In addition, the bikeway/walkway is not an area where observers congregate.

Overall, the proposed development would not result in significant adverse shadows impacts.

HISTORIC RESOURCES

There would be no construction-period impacts on any resources because neither resource identified in the study area—the WTC Site or the Barclay-Vesey Building—is located close enough to the project site to be affected by ground-borne, construction-period vibrations. In addition, the proposed building would not alter the setting of any resource, eliminate significant views of any resource, or introduce incompatible visual, audible, or atmospheric elements to a resource's setting.

At this time construction activities on the project site are not expected to impact the Hudson River Bulkhead. However, if it is determined that the proposed development would have potential effects on the bulkhead, the BPCA would coordinate with the State Historic Preservation Office (SHPO) in order to avoid, minimize, or mitigate any potential adverse impacts.

URBAN DESIGN AND VISUAL RESOURCES

It is not anticipated that the proposed building would have an adverse impact on urban design or visual resources in the study area. The proposed actions would not alter existing street patterns and the proposed building would be in keeping with the varied building arrangements found throughout the study area.

NEIGHBORHOOD CHARACTER

The proposed actions would not adversely affect the combined elements contributing to the neighborhood character of this area of Lower Manhattan. It is expected that the projected transportation-related impacts would not be noticeable in a way that might alter the Battery Park City and Lower Manhattan neighborhood character.

WATERFRONT REVITALIZATION PROGRAM

While the project site is not located along the waterfront and is separated from the waterfront by other BPC sites, the site is located within the City's coastal zone and is subject to the City's Coastal Zone Management Program. Development of either scenario would be consistent with all 10 policies of the WRP.

INFRASTRUCTURE, SOLID WASTE, AND ENERGY

Potential incremental demand for water and energy, and potential incremental generation of sewage and solid waste from development triggered by the proposed actions could be accommodated by existing New York City infrastructure.

TRAFFIC AND PARKING

This FSEIS takes into account two of the alternatives being considered for the Reconstruction of Route 9A—the At-Grade Alternative, which assumes the construction of an 8-lane, at-grade roadway, and the Short Bypass Tunnel Alternative, which assumes that a short bypass tunnel adjacent to the western edge of the WTC Site will be constructed. Of the 29 intersections analyzed for the Office with Trading Floor Scenario with the At-Grade Alternative, the analysis results show that there would be significant adverse traffic impacts at 11, 9, and 9 intersections during the weekday AM, midday, and PM peak hours, respectively; and at 9, 9, and 9 intersections during the weekday AM, midday, and PM peak hours, respectively, with the All Office Scenario. Of the 6 intersections analyzed for the Short Bypass Tunnel Alternative, the analysis results show that both the Office with Trading Floor and the All Office Scenarios would result in significant adverse traffic impacts at 4, 3, and 5 intersections during the weekday AM, midday, and PM peak hours, respectively. Mitigation measures for these impacts are discussed below.

There would be no significant adverse impacts at unsignalized intersections with either scenario.

It is anticipated that the project generated demand under both the Office with Trading Floor and All Office Scenarios would be accommodated by the on-site parking garage.

Five intersections in the vicinity of the project site are considered high pedestrian accident locations. Four out of these five intersections are located along Chambers Street and the fifth is at the intersection of Broadway and Vesey/Ann Street. These intersections would experience minor increases in vehicular traffic and no perceptible increases in pedestrian activity with the proposed building. Overall, neither scenario would result in significant safety impacts at these five high pedestrian accident locations.

TRANSIT AND PEDESTRIANS

Four pedestrian crosswalks would be significantly impacted by the proposed actions under both scenarios. Mitigation measures are discussed below.

AIR QUALITY

The proposed actions would not result in any mobile source air quality violations of the carbon monoxide (CO) standard or any significant impacts at the receptor locations. The project would not result in any violation of National Ambient Air Quality Standards and would be consistent with the New York SIP for the control of ozone and CO. The building would be designed to meet the HVAC stack location requirements for stationary source emissions.

NOISE

Project-generated traffic would not be expected to produce any significant increases in noise levels at any locations near and/or adjacent to the project site. Noise levels for the future with the proposed actions would increase by less than 2.0 dBA compared to No Build levels. Changes of this magnitude would be imperceptible and not significant.

All of the proposed buildings would utilize double-glazed windows, air conditioning, and other construction methods to achieve interior $L_{10(1)}$ noise levels of 45 dBA or lower.

CONSTRUCTION IMPACTS

Construction of the project would generate additional traffic from arriving and departing workers and from trucks moving materials, equipment, and waste. Potential impacts to air quality include increased fugitive dust (particulate emissions) from land-clearing operations, and increased mobile source emissions from equipment, vehicles, and occasional traffic disturbances. During construction of the project, there would be increased noise levels resulting from vehicles traveling to and from the site, and from the operation of construction equipment. Overall, these impacts are not considered to be significant because they are temporary in nature and similar to those at construction sites throughout the City. Furthermore, during excavation and construction, all appropriate measures would be employed to reduce traffic congestion, fugitive dust emissions, and noise and vibration levels. By adhering to these requirements and to the New York City Noise Code and the New York City Department of Buildings regulations, impacts to the surrounding area would be minimized.

The sponsors of the World Trade Center Memorial and Redevelopment Plan, Permanent WTC PATH Terminal, Route 9A Reconstruction, Fulton Street Transit Center, and South Ferry Subway Station Reconstruction have committed to implementing measures to reduce the potential effects of the large-scale construction efforts occurring simultaneously in Lower Manhattan. The Lower Manhattan Development Corporation, Port Authority of New York and New Jersey, Metropolitan Transportation Authority, and New York State Department of Transportation have formed the Lower Manhattan Construction Coordinating Group (LMCCG). Goldman Sachs, as prospective tenant, would join this group and would coordinate the construction efforts on Site

26 with the other construction efforts in Lower Manhattan. As part of this, Goldman Sachs is committed to using ultra-low sulfur diesel fuel in all appropriate equipment.

BENEFICIAL IMPACTS

Construction and operation of either scenario would result in substantial economic benefits, as follows:

OFFICE WITH TRADING FLOOR SCENARIO

Construction Period Impacts

The direct expenditures during this construction would total approximately \$1.28 billion and generate direct and indirect employment of 11,336 person-years in New York City and 14,009 person-years in New York State. The total economic activity, including indirect expenditures is estimated at \$2.45 billion in New York State, of which about \$1.88 billion would occur in New York City. Construction would generate approximately \$101.19 million in tax revenues of which New York State and the MTA would receive about \$69.24 million and New York City would receive about \$31.94 million.

Operating Period Impacts

The total direct, indirect, and induced employment is estimated to reach 32,967 jobs in New York City and 42,660 jobs in the larger New York State economy. Total employment generated from the proposed project is anticipated to have direct and generated wages and salaries equal to at \$4.57 billion for New York City and \$5.14 billion for the broader New York State economy. The total economic activity, including indirect expenditures, is projected to be \$11.40 billion in New York State, of which \$9.80 billion would occur in New York City. The annual operation of the proposed project would generate approximately \$595.90 million in tax revenues for New York City and State of which New York City would receive \$184.30 million while New York State is expected to receive \$411.60 million.

ALL OFFICE SCENARIO

Construction Period Impacts

The direct expenditures during the construction of this would total approximately \$1.02 billion and would generate direct and indirect employment of 9,048 person-years in New York City and 11,182 person-years in New York State. The total economic activity, including indirect expenditures is estimated at \$1.96 billion New York State, of which about \$1.50 billion would occur in New York City. Construction would generate approximately \$80.76 million in tax revenues of which New York State and the MTA would receive about \$55.27 million and New York City would receive about \$25.50 million.

Operating Period Impacts

With the completion of the proposed project, the total direct, indirect, and induced employment is estimated to reach 17,107 jobs in New York City and 20,302 jobs in the larger New York State

economy. Total employment generated from the proposed project is anticipated to have direct and generated wages and salaries equal to \$2.00 billion for New York City and \$2.26 billion for the broader New York State economy. The total economic activity, including indirect expenditures, is projected to be \$8.34 billion in New York State, of which \$7.11 billion would occur in New York City. The annual operation of the proposed project would generate approximately \$310.50 million in tax revenues of which New York City would receive \$101.95 million and New York State would receive \$208.55 million.

MITIGATION

HISTORIC RESOURCES

If it is determined that construction activities will have the potential to affect the Hudson River Bulkhead, BPCA would coordinate with SHPO in order to avoid, minimize, or mitigate any potential adverse impacts to the bulkhead. The Programmatic Agreement regarding the development of Hudson River Park—prepared in March 2000 among the United States Army Corps of Engineers, SHPO, and the Advisory Council on Historic Preservation—would be the basis of coordination between BPCA and SHPO. The Programmatic Agreement includes guidelines regarding potential impacts to the Hudson River Bulkhead as well as suggested mitigation measures. Mitigation of any adverse impacts to the bulkhead could include photographic documentation of exposed sections of the bulkhead. This material would be submitted to SHPO for review and acceptance.

TRAFFIC AND PARKING

With the exception of intersections along Route 9A, all of the traffic impacts identified in the FSEIS could be mitigated by standard traffic engineering measures, such as signal retiming, parking/standing prohibitions, and lane restriping. Since the publication of DSEIS, the intersections which were mitigated by signal retiming in ½ second increments were reevaluated for full-second signal timing changes. Based on this reevaluation, all of the intersections mitigated by signal retiming in ½ second increments for the DSEIS were also mitigated with full-second signal timing changes, with the exception of Route 9A and Murray Street intersection. This intersection would not be mitigated with full-second signal timing changes under the All Office Scenario with Route 9A At-Grade Alternative during the midday peak hour. Therefore, compared to the DSEIS, one additional intersection would remain unmitigated under the All Office Scenario with Route 9A At-Grade Alternative during the midday peak hour.

The proposed development would result in unmitigated significant impacts at the intersections of Route 9A at Chambers Street, Murray Street, Vesey Street, Albany Street and the Brooklyn-Battery Tunnel. At these intersections, roadway design modifications may be required to improve the traffic operating conditions. Such modifications to Route 9A would require the approval of New York State Department of Transportation (NYSDOT). The absence of such modifications would result in unmitigated traffic impacts at these locations. These significant adverse traffic impacts are unavoidable based on the extremely congested traffic conditions on Route 9A in the vicinity of the project site.

TRANSIT AND PEDESTRIANS

Mitigation of significant crosswalk impacts would involve the widening of painted areas to allow pedestrians additional crossing space. The required widening for the four impacted crosswalks in the Office with Trading Floor Scenario would range from 1 to 4 feet, and the required widening for the four impacted crosswalks in the All Office Scenario would range from 1 to 5 feet. As some of these mitigation measures required a widening of more than 2 feet, the determination was made, in coordination with the New York City Department of Transportation, that it is feasible to implement them.

GOLDMAN SACHS DESIGN ALTERNATIVE

The Goldman Sachs Design Alternative analyzes design modifications to the Office with Trading Floor Scenario. These changes include the following:

- A reduction in the number of on-site below-grade parking spaces from 300 to not more than 15;
- The incorporation of a lay-by-lane along West Street, subject to review and approval by NYSDOT;
- Pedestrian access from three sides of the building; and
- A building height less than the maximum building envelope of 800 feet.

The potential impacts of the Goldman Sachs Design Alternative on traffic and parking would be similar to those anticipated under the Office with Trading Floor scenario. In total, there would be significant traffic impacts at 12, 9, and 9 intersections during the weekday AM, midday, and PM peak hours, respectively, with the Route 9A At-Grade Alternative; and at 4, 3, and 5 intersections during the weekday AM, midday, and PM peak hours, respectively, with the Route 9A Short Bypass Tunnel Alternative. As with the Office With Trading Floor Scenario, the majority of the impacted intersections under the Goldman Sachs Design Alternative would be mitigated by standard traffic engineering measures, including signal retiming, parking/standing prohibitions and lane restriping. However, peak period impacts along Route 9A at Chambers Street, Murray Street, Vesey Street, and Brooklyn-Battery Tunnel could not be mitigated with standard traffic engineering measures. At these intersections, roadway design modifications may be required to improve the traffic operating conditions. These design modifications would be subject to NYSDOT review and approval; and the absence of such modifications would result in unmitigated traffic impacts at these locations.

All pedestrian elements expected to be affected by the Goldman Sachs Design Alternative would operate at acceptable levels, with analysis results similar to those presented in the Office with Trading Floor Scenario.

PUBLIC REVIEW

On April 26, 2004, this text amendment was duly referred to Community Board 1 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board held a public hearing on this application on May 18, 2004 and on that date, by a vote of 32 in favor, 2 opposed, and 2 recused, adopted a resolution recommending approval of the application.

Borough President's Review

This application was considered by the Borough President, who issued a recommendation approving the application on May 26, 2004.

City Planning Commission Public Hearing

On May 26, 2004 (Calendar No. 5), the City Planning Commission scheduled June 9, 2004, for a public hearing on this application (N 040396 ZRM). The hearing was duly held on June 9, 2004 (Calendar No. 5). There were nine speakers in favor of the application and no speakers in opposition.

The first speaker in favor of the application, an executive representing the Battery Park City Authority, described the content of the proposed text amendment as well as the development objectives of the Battery Park City Authority. The speaker noted that the Battery Park City Authority has intended that Site 26 be developed for commercial use since the early 1980's and that the proposed zoning would facilitate such development.

The other speakers in favor of the application included the City Council Member for District 2, a representative of the Assembly Member's office for District 66, representatives of the intended developer for the site, the president of the Alliance for Downtown New York (a local business improvement district), a representative of the Hudson River Park Trust, and representatives of construction trade organizations. The speakers from the Hudson River Park Trust and the Assembly Member's office expressed concerns about limiting vehicular traffic to the site. However all of the speakers commended the intended developer for their commitment to work in good faith with the community and emphasized how development of this site would aid in the economic redevelopment of Lower Manhattan.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

The application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 04-068.

The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed text amendment, to Section 84-30 (Zone C) of the Special Battery Park City District, is appropriate.

The Commission notes that the zoning proposed for Site 26 in Battery Park City is responsive to the built character of this portion of Lower Manhattan and is in line with the development objectives of the Battery Park City Authority. The Commission believes that the extension of Zone C across Site 26 and the accompanying C6-6 zoning district regulations are compatible with the adjacent commercial districts and development. The Commission believes that the specific zoning regulations establishing streetwall and maximum building heights will allow for commercial development of the site while at the same time strengthening the urban design objectives of Battery Park City.

The Commission notes that Site 26 is one of the few, remaining large parcels of land in Lower Manhattan suited for modern commercial development. The Commission believes that establishment of the proposed zoning will facilitate such office development of the site. Furthermore, this development would not only benefit the City of New York generally, but also aid in the redevelopment of Lower Manhattan following the attacks of September 11, 2001.

Finally, the Commission commends the commitment of the intended developer to the Downtown and their willingness to work with the community. The Commission notes the previous coordination between the Battery Park City Authority, the intended developer, and the Department of City Planning and encourages continued cooperation as development plans are finalized.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 30, 2004, with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and

other considerations:

- 1) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the extent practicable; and
- 2) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulation, and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in the Zoning Resolution;

*** indicates where unchanged text appears in the Zoning Resolution.

84-30

ZONE C

84-31

General Provisions

Zone C is designed to provide for commercial and mixed *use development*, parking and ancillary retail and service *uses* as permitted pursuant to this Chapter. Zone C is divided into two subzones: C-1 and C-2. The location and boundaries of ~~Zone C~~ the C subzones are shown on ~~Appendices 1 and 2~~ in Appendix 3 of this Chapter. Except as expressly modified by the provisions of this Chapter, the regulations applying to a C6-6 District shall apply in Zone C of the *Special Battery Park City District*.

84-32

Use Regulations

Use regulations applicable in C6-6 Districts shall apply, subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following *uses* shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer-supported games provided that a minimum of four square feet of waiting area within the *zoning lot* shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required

waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

Physical culture or health establishments

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14.

84-33

Bulk Regulations

Bulk regulations otherwise applicable in C6-6 Districts and equivalent *Residential Districts* are hereby modified to the extent set forth in this Section and Sections 84-331 through 84-333, inclusive.

The height and setback regulations otherwise applicable in C6-6 Districts, and equivalent *Residential Districts*, are superseded by the regulations set forth in Section 84-332 (Mandatory front building walls), Section 84-333 (Limited height of buildings), Appendices 3.1 and 3.2.

84-331

Floor area regulations

Notwithstanding any other provisions of this Resolution, the permitted *floor area ratio* for any *development* or *enlargement* shall not exceed 15.0. The *floor area ratio* of a *residential building* or the residential portion of a *mixed building* shall not exceed 10.0. The floor area bonus provisions shall not apply.

84-332

Mandatory front building walls

Where Appendix 3.1 shows a requirement for a *development* to be built to a *mandatory front building wall line*, any such *development* shall have a mandatory front building wall coincident with and constructed along such *mandatory front building wall line* for a minimum of 80 percent of the length of the frontage required to have the mandatory front building wall, which shall rise without setback for a height above *curb level* not less than 110 feet nor more than 140 feet; in subzone C-1, and not less than 60 feet nor more than 140 feet in subzone C-2 except that the mandatory front wall building wall on Murray Street within subzone C-2 may rise without setback to the maximum height established pursuant to section 84-333 and, provided further, that the mandatory front building wall requirement shall not apply to the building frontage along a pedestrian right-of-way in subzone C-2.

However, where Appendix 3.1 shows a mandatory front wall along Murray Street, such front building wall may be located either along the *street line* of Murray Street or at a right angle to North End Avenue within 30 feet from the intersection of Murray Street and North End Avenue.

At 140 feet above *curb level*, the building must setback at least 15 feet from the street line of Vesey Street, North End Avenue and Murray Street; except that there shall be no required setback along Murray Street in subzone C-2. Front wall recesses for architectural and decorative purposes are permitted in mandatory front walls, provided that:

- (a) the aggregate area of front wall recesses below the maximum height of the required front wall is less than 50 percent of the required mandatory front building wall;

- (b) the maximum depth of any recess shall be 20 feet;
- (c) recesses with a depth of less than two feet shall not be considered recesses for the purposes of this Section; and
- (d) recesses shall not be open to the sky.

84-333

Limited height of buildings

~~Above a height of 140 feet above curb level, the lot coverage of any development, or portion thereof, may not exceed 40 percent of the total area of Zone C.~~

The maximum height of any *building*, or portion thereof, shall not exceed 400 feet on any portion of ~~Zone~~ subzone C-1 shown as a *special height location* in Appendix 3.2, except that permitted obstructions pursuant to Section 33-42 shall be allowed to penetrate ~~the~~ a maximum height limit.

The maximum height of any *building*, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above-*curb level* except that

(a) the maximum height of any *building* or portion thereof shown as a *special height location* shall not exceed the height set forth in Appendix 3.2; and

(b) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a *building or other structure* that exceeds an established height limit shall be subject to the following provisions:

(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:

Chimneys or flues, with a total width not exceeding 10 percent of the aggregate width of streetwalls of a building at any level;

Elevator or stair bulkheads, roof water tanks, cooling towers or other accessory mechanical equipment (including enclosure walls), provided that either the product, in square feet, of the aggregate width of street walls of such obstructions facing each street frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the street wall of the building facing such frontage at curb level, or the lot coverage of all such obstructions does not exceed 20 percent of the lot coverage of the building and the height of all such obstructions does not exceed 40 feet;

Flagpoles and aerials;

Parapet walls, not more than four feet high;

Wire, chain link or other transparent fences.

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

(i) the width of such additional enclosure wall at each building face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph

(b)(1) of this Section;

(ii) the additional area of the enclosure wall at each building face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the building and the urban design

goals of the Special District and complements the design by providing a decorative top.

(c) Notwithstanding the above, in no event shall the height of any *building*, including Permitted Obstructions, exceed 800 feet above *curb level*.

84-34

Parking Regulations and Curb Cuts

Notwithstanding any other regulations of this Resolution, off-street parking spaces shall be permitted pursuant to this Section.

84-341

Off-street parking

Accessory off-street parking spaces are not required in Zone C. However, a maximum of 300 public parking spaces are permitted in ~~Zone C~~subzones C-1 and C-2 combined, provided that:

- (a) such spaces shall be completely enclosed;
- (b) no portion of the parking facility, other than entrances and exits, shall be visible from adjoining *zoning lots*, streets, parks or the *Esplanade*;
- (c) no exhaust vents shall open onto any *street* or park; and
- (d) the parking facility shall not be more than 23 feet above *curb level*.

84-342

Off Street loading

The number of required *accessory* loading berths in subzone C-2 may be reduced by up to 50% of

the number required pursuant to 36-62 (Required Accessory Off-Street Loading Berths).

84-343

Curb cuts

Curb cuts are permitted only in locations indicated in Appendix 3.5 and along any *street* or right-of-way not shown on Appendix 3.5. The aggregate width of all curb cuts for ~~Zone~~subzone C-1 shall not exceed 50 feet. The aggregate width of all curb cuts for subzone C-2 shall not exceed 60 feet.

Appendix 1

Special Battery Park City District

District Plan

Appendix 3

Special Battery Park City District

Zone A North Residential Neighborhood and Zone C

Appendix 3.1

Special Battery Park City District

Mandatory Front Building Walls

Appendix 3.2

Special Battery Park City District

Special Height Locations

Appendix 3.4

Special Battery Park City District

Parking Setbacks

Appendix 3.5

Special Battery Park City District

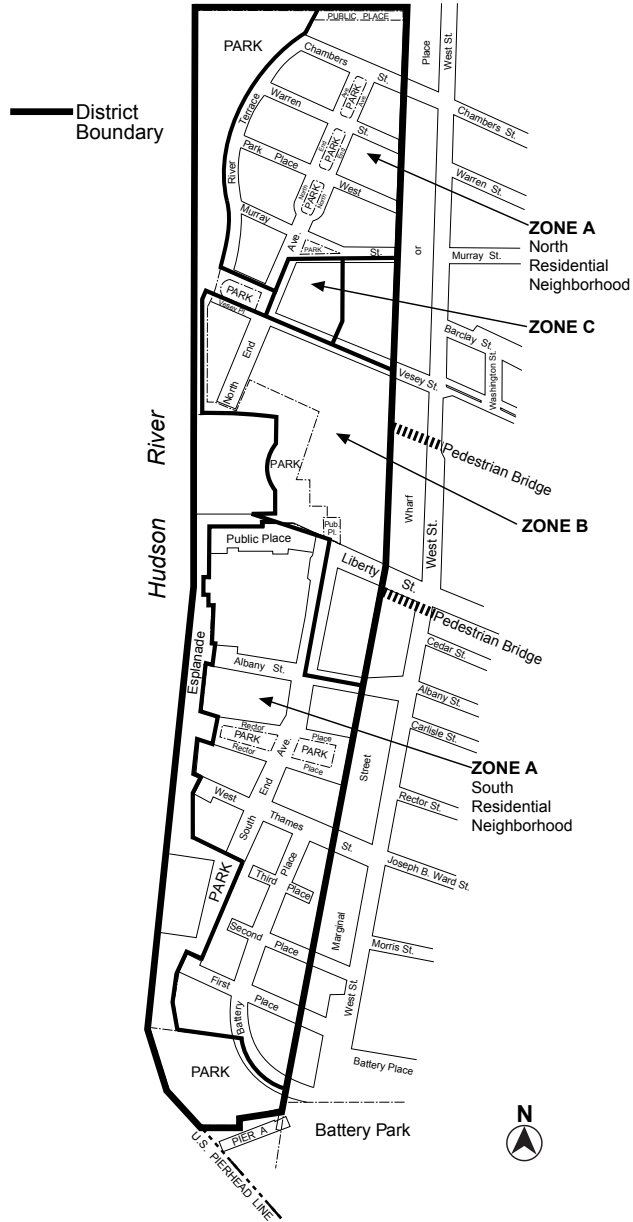
Curb Cut Locations

Existing

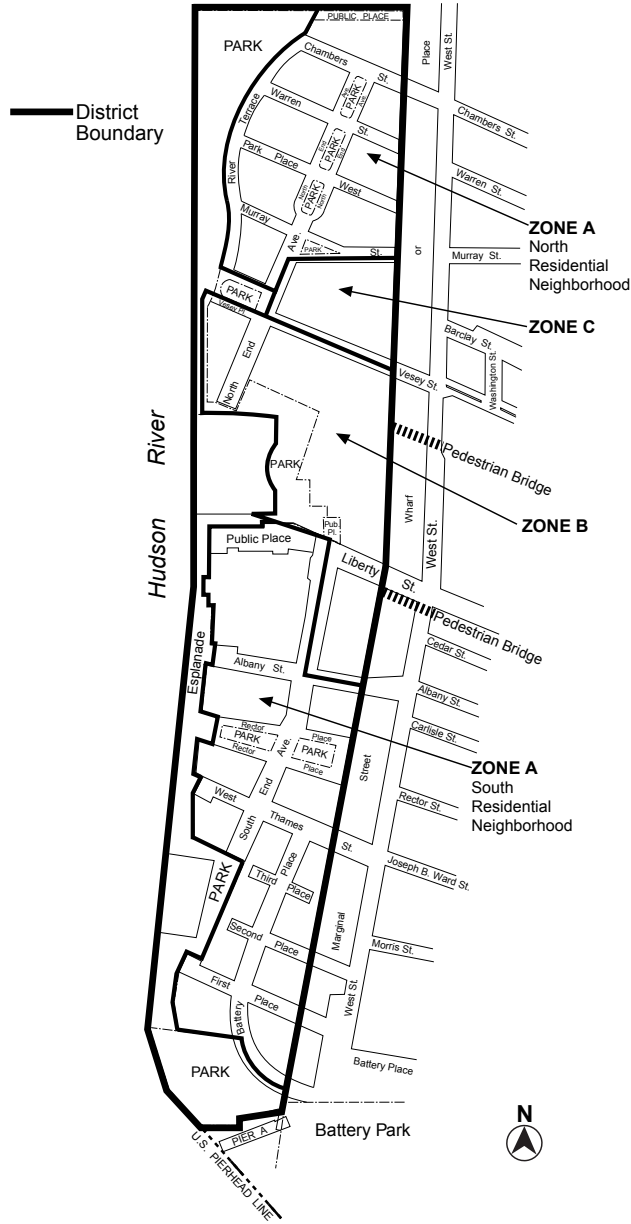
(1/8/97)

Appendix 1

Special Battery Park City District District Plan



Proposed
Appendix 1
Special Battery Park City District
District Plan



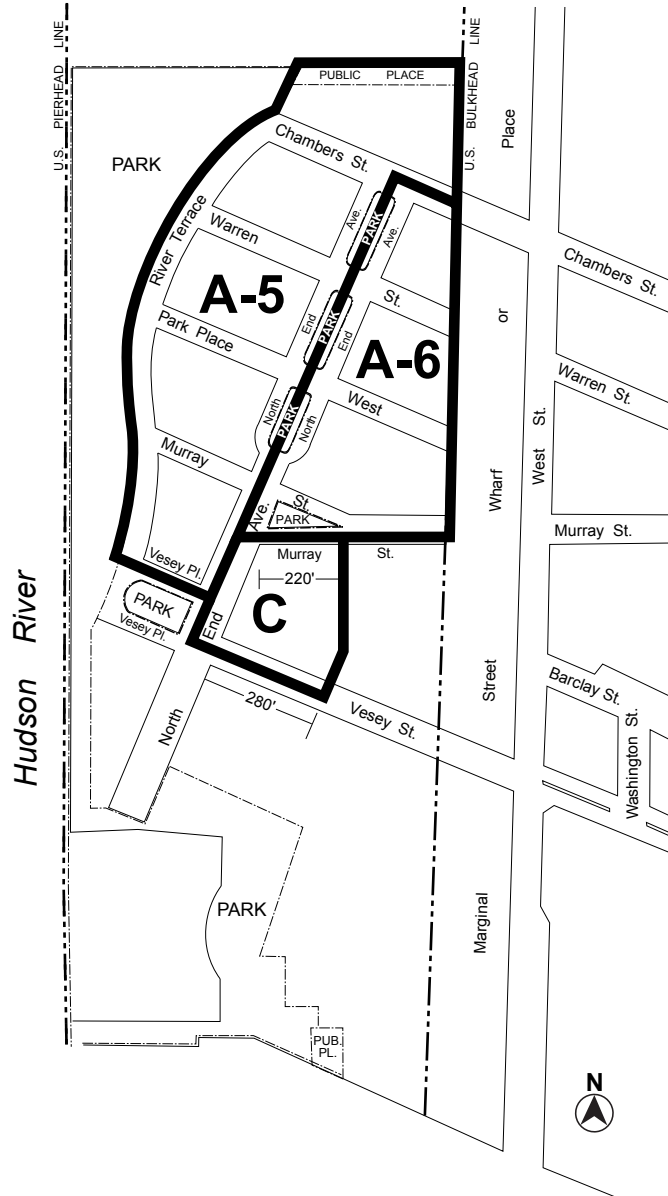
Existing

(1/8/97)

Appendix 3

Special Battery Park City District

Zone A North Residential Neighborhood and Zone C

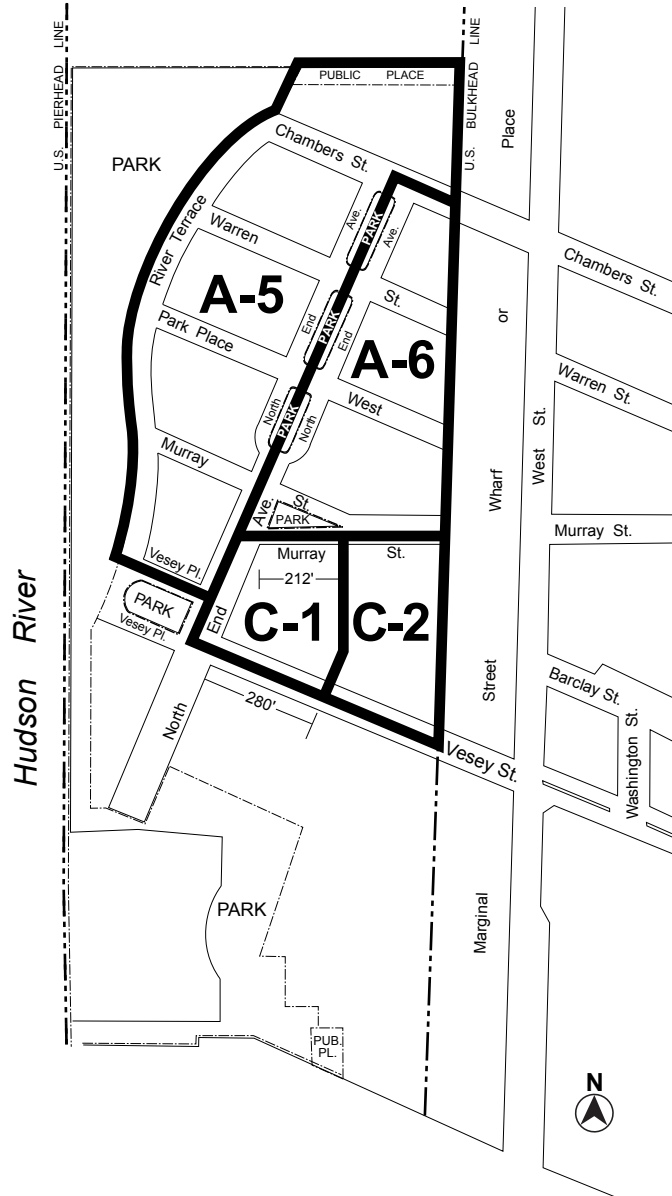


Proposed

Appendix 3

Special Battery Park City District

Zone A North Residential Neighborhood and Zone C

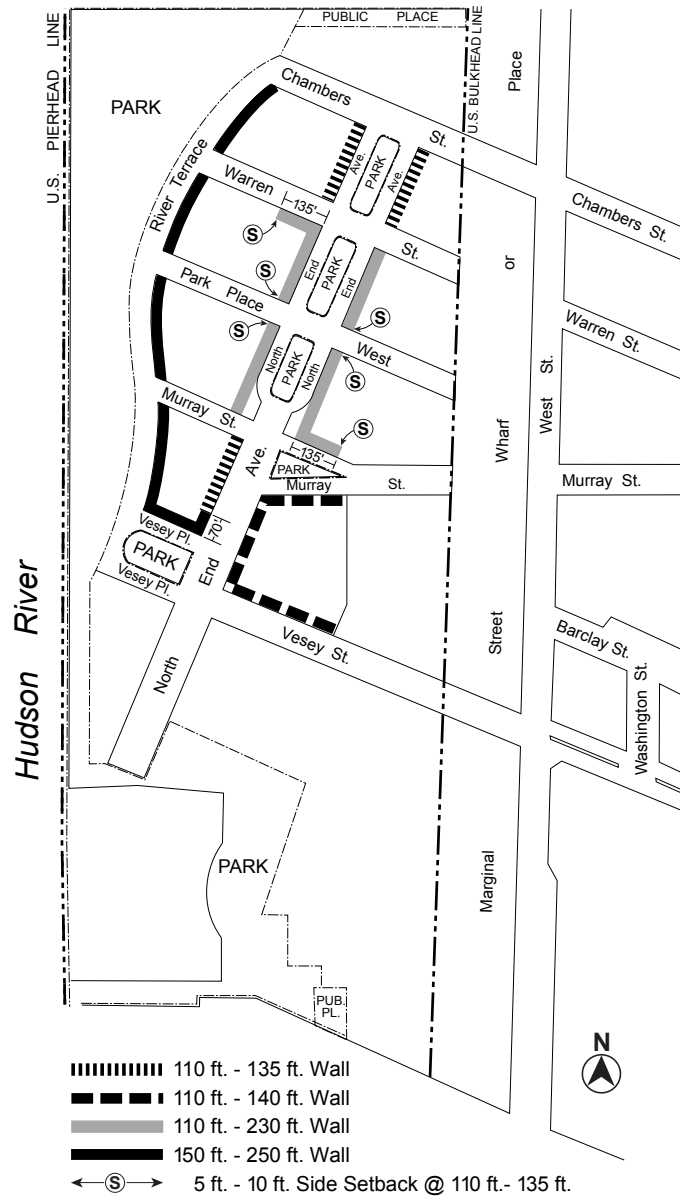


Existing

(2/27/01)

Appendix 3.1

Special Battery Park City District Mandatory Front Building Walls

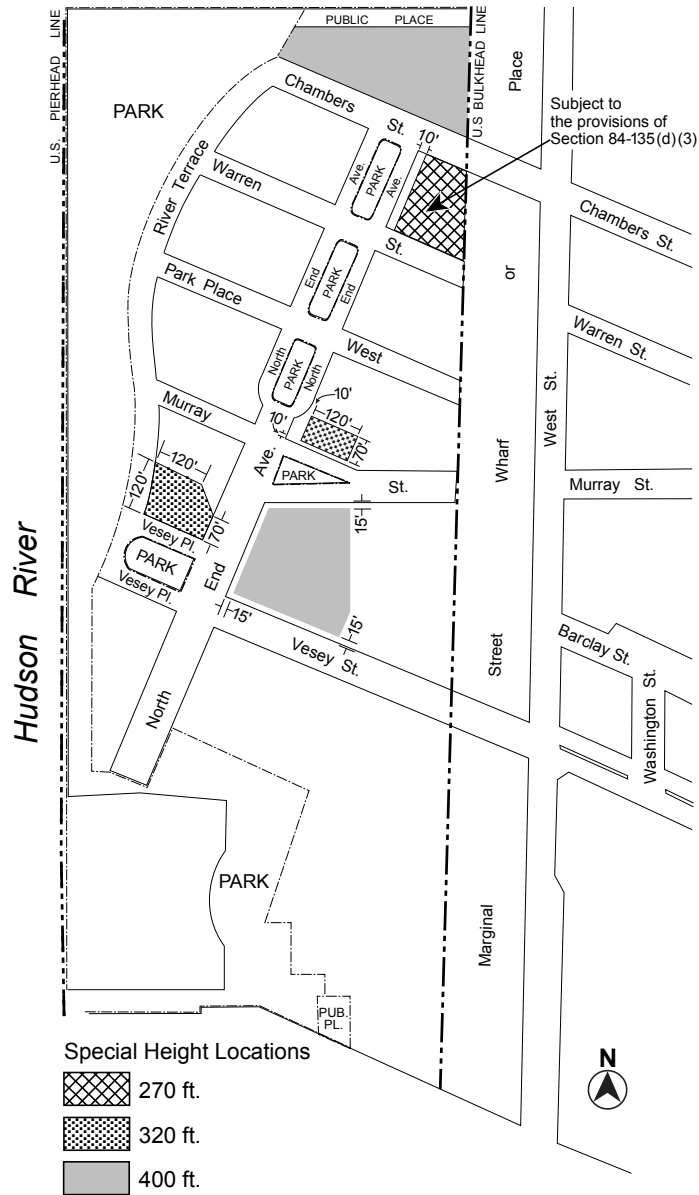


Existing

(2/27/01)

Appendix 3.2

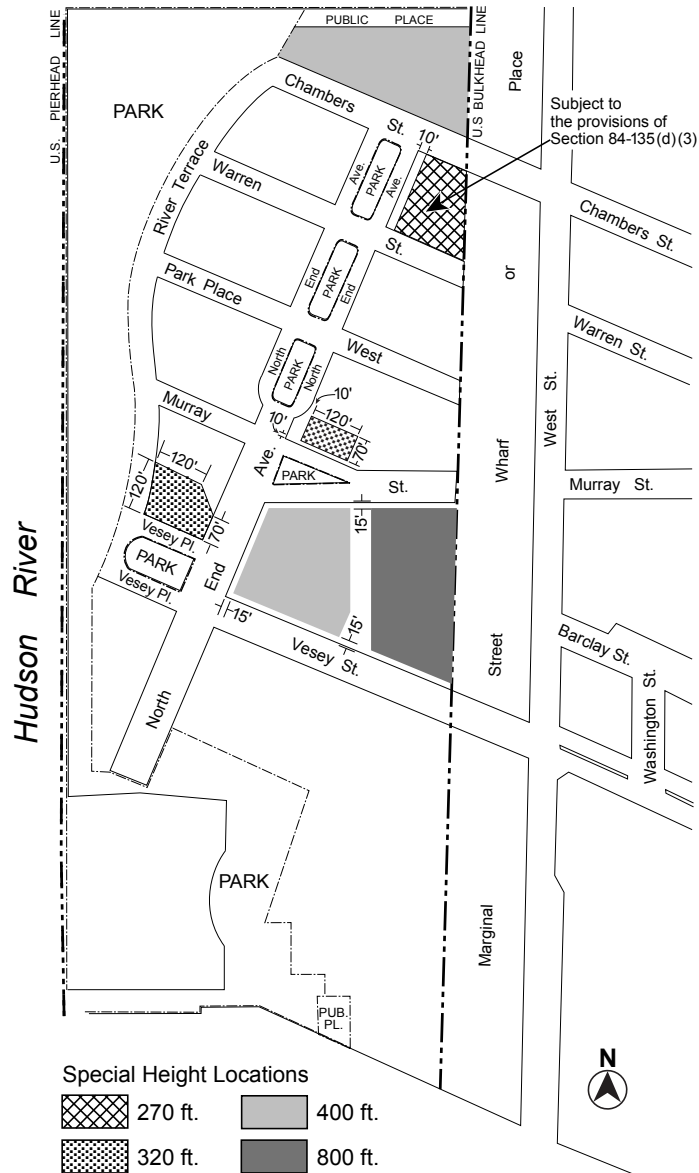
Special Battery Park City District Special Height Locations



Proposed

Appendix 3.2

Special Battery Park City District Special Height Locations

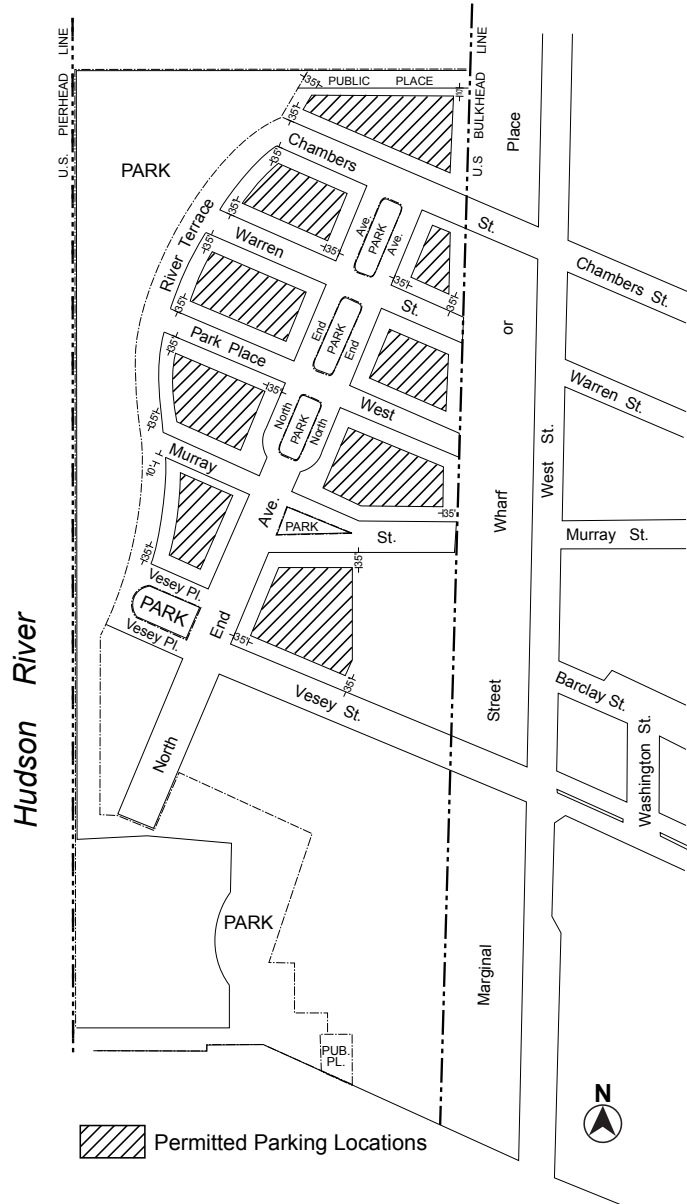


Existing

(1/8/97)

Appendix 3.4

Special Battery Park City District Parking Setbacks

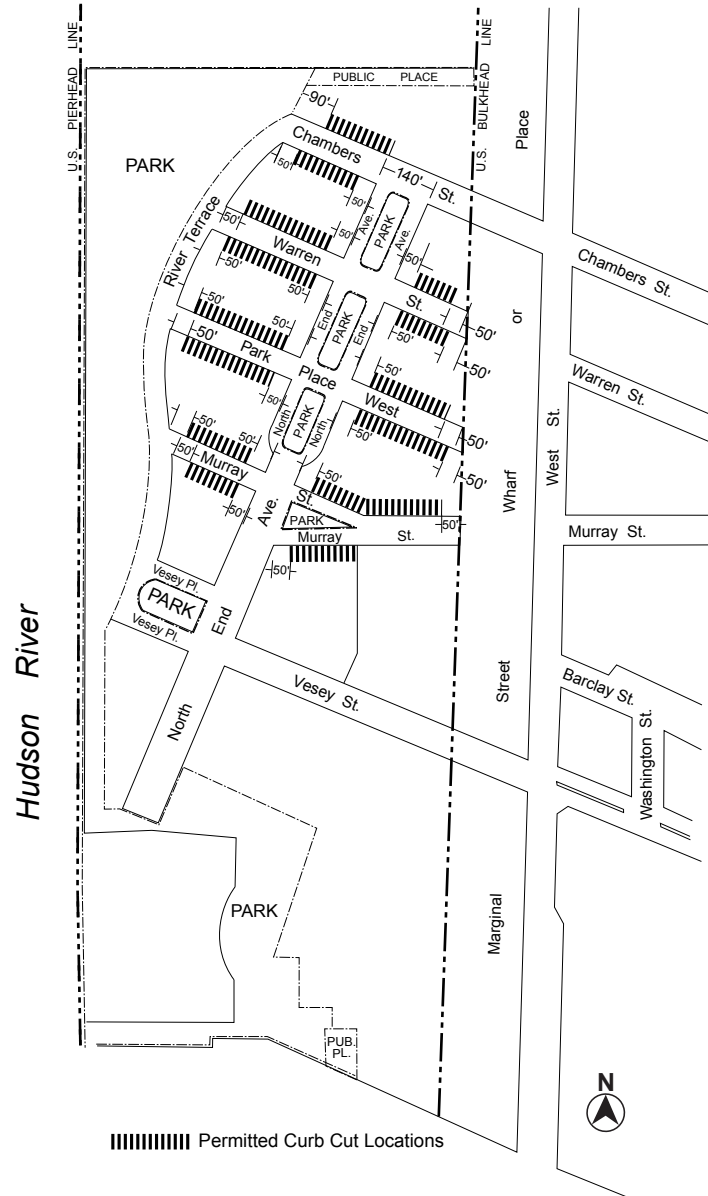


Existing

(1/8/97)

Appendix 3.5

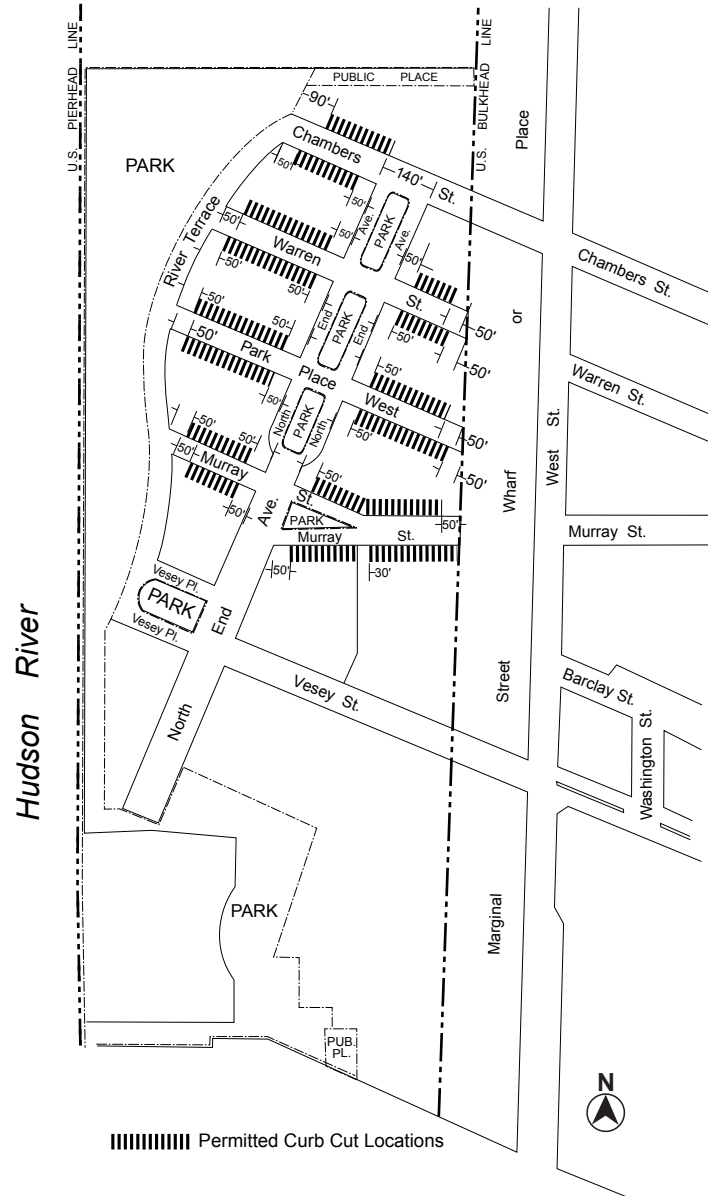
Special Battery Park City District Curb Cut Locations



Proposed

Appendix 3.5

Special Battery Park City District Curb Cut Locations



* * *

The above resolution (N 040396 ZRM), duly adopted by the City Planning Commission on July 14, 2004 (Calendar No. 26), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH KNUCKLES, Esq., Vice-Chair

**ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., ALEXANDER GARVIN,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY
WILLIAMS, Commissioners**

IRWIN CANTOR, P.E., RICHARD W. EADDY, Commissioner recused